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CHAPTER 15

MODIFICATION OF WEATHER

Section

73-15-1, 73-15-2. Repealed.

73-15-3. Cloud seeding to increase precipitation — Control of Division of Water Resources — Powers and authority of division — "Cloud seeding" and "cloud-seeding project" defined.

73-15-4. Water from cloud seeding part of natural water supply — Notice of intent prior to cloud-seeding project.

Section

73-15-5. Transfer of records and data to division — Establishment of reporting and record keeping procedures.

73-15-6. Cloud-seeding contractors — Registration.

73-15-7. Precipitation caused by authorized project not presumed to constitute trespass or nuisance.

73-15-8. Cloud seeding in Utah to target area in adjoining state.

73-15-1, 73-15-2. Repealed.

Repeals. — Sections 73-15-1 and 73-15-2 (L. 1953, ch. 129, §§ 1, 2), relating to reports to the department of meteorology, state school of

mines, of weather modification activities, were repealed by Laws 1973, ch. 193, § 7. For present provisions, see § 73-15-3 et seq.

73-15-3. Cloud seeding to increase precipitation — Control of Division of Water Resources — Powers and authority of division — "Cloud seeding" and "cloud-seeding project" defined.

The state of Utah through the Division of Water Resources shall be the only entity, private or public, that shall have authority to authorize cloud-seeding research, evaluation, or implementation projects to alter precipitation, cloud forms, or meteorological parameters within the state of Utah, except cloud seeding for the suppression of fog; and frost prevention measures for the protection of orchards and crops are excluded from the coverage of this act. The Division of Water Resources shall authorize and may sponsor or develop local or state-wide cloud-seeding projects that conform to over-all state water planning objectives and are determined to be feasible by the Division of Water Resources. The Division of Water Resources may contract with the Utah water research laboratory or any other individual or organization for consultation and/or assistance in developing cloud-seeding projects or in furthering necessary research of cloud seeding or other factors that may be affected by cloud-seeding activities. Cloud seeding as used in this act shall be construed to mean all acts undertaken to artificially distribute or create nuclei in cloud masses for the purposes of altering precipitation, cloud forms, or other meteorological parameters. A cloud-seeding project as used in this act shall be a planned project to evaluate meteorological conditions, perform cloud seeding, and evaluate results.

History: L. 1973, ch. 193, § 1; 1979, ch. 250, § 1.

Meaning of "this act." — The phrase "this act" in the first sentence refers to L. 1979, ch.

250, which amended this section and § 73-15-4. The same phrase in the fourth and fifth sentences means L. 1973, ch. 193, which repealed §§ 73-15-1 and 73-15-2 and enacted

§§ 73-15-3 to 73-15-8. The phrase in all three places should probably be read as "this chapter."

Cross-References. — Division of Water Resources, § 73-10-18.

COLLATERAL REFERENCES

California Law Review. — Weather Modification and Control: Some International Legal Implications, 55 Calif. L. Rev. 493.

Am. Jur. 2d. — 3 Am. Jur. 2d Agriculture § 7.

73-15-4. Water from cloud seeding part of natural water supply — Notice of intent prior to cloud-seeding project.

All water derived as a result of cloud seeding shall be considered a part of the natural water supply of the basin in the same sense as if no cloud seeding operations had been conducted, and any water so derived shall not be subject to new appropriations but shall be administered and distributed to users on the stream system in accordance with existing water rights. A notice of intent shall be filed with the Division of Water Rights prior to the commencement of a cloud-seeding project.

History: L. 1973, ch. 193, § 2; 1979, ch. 250, § 2.

73-15-5. Transfer of records and data to division — Establishment of reporting and record keeping procedures.

All records and data collected by department of meteorology of the state school of mines and mineral industries of the University of Utah since the enactment of Sections 73-15-1 and 73-15-2 shall be transferred to the Division of Water Resources, there to be a permanent record. The Division of Water Resources shall establish forms and/or criteria for reporting data and record keeping and cause that a permanent record is kept of all pertinent data related to cloud-seeding projects, cloud-seeding research projects, or research related to other factors that may be affected by cloud-seeding activities.

History: L. 1973, ch. 193, § 3.

73-15-6. Cloud-seeding contractors — Registration.

Any individual or organization that would like to become a cloud-seeding contractor in the state of Utah shall register with the Division of Water Resources. As a part of the registration the applicant shall meet qualifications established by the Division of Water Resources and submit proof of financial responsibility in order to give reasonable assurance of protection to the public in the event it should be established that damages were caused to third parties as a result of negligence in carrying out a cloud-seeding project.

History: L. 1973, ch. 193, § 4.

73-15-7. Precipitation caused by authorized project not presumed to constitute trespass or nuisance.

The mere dissemination of materials and substances into the atmosphere or causing precipitation pursuant to an authorized cloud-seeding project shall not give rise to any presumption that such use of the atmosphere or lands constitutes trespass or involves an actionable or enjoined public or private nuisance.

History: L. 1973, ch. 193, § 5.

73-15-8. Cloud seeding in Utah to target area in adjoining state.

Cloud seeding in Utah to target an area in an adjoining state is prohibited except upon full compliance of the laws of the target area state the same as if the cloud-seeding operation took place in the target area state, as well as the other provisions of this act.

History: L. 1973, ch. 193, § 6.

CHAPTER 16

AMENDED BEAR RIVER COMPACT

Section

73-16-1. Ratification.

73-16-2. Text of compact.

73-16-3. Ratification of compact.

Section

73-16-4. Members of commission.

73-16-5. Error in copying does not invalidate.

73-16-1. Ratification.

The Bear River Compact entered into at Salt Lake City, Utah, on February 4, 1955, by Idaho, Utah and Wyoming, by the representatives of those states, with the approval of the representative of the United States of America, is hereby unconditionally ratified, approved and confirmed for and by the state of Utah.

History: L. 1955, ch. 161, § 1.

73-16-2. Text of compact.

The text of the Bear River Compact is as follows: